

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated October 3, 2007. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1 and 4-20 are pending in this application. Claims 1, 4 and 8 are independent claims.

In the Office Action, Claims 1, 5-7 and 9-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,240,240 to Nagano ("Nagano") in view of U.S. Patent No. 5,307,173 to Yuen ("Yuen"). Claims 4, 8 and 13-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nagano in view of U.S. Patent No. 5,187,589 to Kono ("Kono"). This position is respectfully traversed. It is respectfully submitted that the claims are allowable over Nagano in view of Yuen and in view of Kono for at least the following reason.

Previously the Office Action has taken the position that "the claim does not require the bars to physically and graphically overlap ..." (See, Final Office Action dated June 21, 2007, page 2, lines 16-18.) While it was never clear to the Applicants how an

overlapping and overlapped bar can be provided without the bars overlapping in position. The Office Action appeared to take a position that since the bars depict events that overlap, the bars must overlap at least in time. This position was never supported by FIGs. 15A and 15B of Nagano which depict events that overlap in time, yet the bars shown do not physically overlap. However, in the interest of expediting examination and allowance of the present application, the claims were amended to clarify that the overlapping and overlapped bar overlapped in position.

While the present Office Action seems to acknowledge this shortcoming in Nagano in view of Yuen or Kono (see Page 2 of the Office Action), the Office Action has taken the undefendable position that the depicting of the bars physically overlapping is a mere matter of design choice, thereby not supporting patentability.

It is respectfully submitted that every aspect of what is in effect a user interface, is a matter of design choice! The present patent application makes clear that what is presented by the present user interface is "a more intuitive representation of the selected programs 102, 110, 111, and their priorities. In this case, the bars representing the programs are at least partially

arranged at the same vertical position. Priority of a first program over a second program is represented by arranging the first program in the foreground and the second program in the background.
... The user can change the relationships simply by clicking, pointing, verbally indicating the event titles, e.g. 'Program 102 over Program 110' etc." (See, page 4, lines 27-31.) As indicated in the present patent application, "the invention concerns the visual ordering, in an intuitive way, of broadcast events scheduled for viewing or recording ..."

If in fact differences in user interfaces that provide a more intuitive display of information to facilitate interaction therewith does not provide patentable distinctiveness as alleged by the present Office Action, then it is submitted that any patent on user interfaces since the first introduction of a user interface in a patent is also equally unpatentable.

Accordingly, it is respectfully submitted that the method of Claim 1 is not anticipated or made obvious by the teachings of Nagano in view of Yuen or in view of Kono. For example, Nagano in view of either Yuen or Kono does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative

emphasis provided) "displaying programs or parts of programs overlapping in time as partially overlapping such that the length and position of an overlapping and overlapped bar still indicates the duration and time of transmission of the corresponding program, wherein the overlapping and overlapped bar overlap in position" as recited in Claim 1, and as substantially recited in each of Claims 4 and 8. Since the Office Action admits to this difference in the user interface of the prior art and the present patent application, this point may not be disputed further.

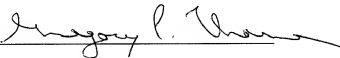
Based on the foregoing, the Applicant respectfully submits that independent Claims 1, 4 and 8 are patentable over Nagano in view of either of Yuen or Kono and notice to this effect is earnestly solicited. Claims 5-7 and 9-20 respectively depend from one of Claims 1, 4 and 8 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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